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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,328	12/07/2001	Can C. Aysan	7000-497	6785
27820	7590	08/23/2006	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C.			MILLS, DONALD L	
P.O. BOX 1287			ART UNIT	
CARY, NC 27512			PAPER NUMBER	
			2616	

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5/

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,328	<b>Applicant(s)</b> AYSAN ET AL.	
	<b>Examiner</b> Donald L. Mills	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 8 and 9 is/are allowed.
- 6) ☒ Claim(s) 7, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Yamano (US Pat. 6,636,516 B1).

With regards to claim 7, Yamano discloses a carrier router (figure 2) comprising: a backbone router (figure 2 reference 212) including: a public network interface for connecting to a public data network (column 3 lines 45-48); and a sub-endpoint for a tunnel having a network address in an address space of said public data network (figure 2 router 212 is interpreted as a sub-end point of a tunnel with the router's address in the address space of the public data network; and a customer virtual router (figure 2 reference 204) including: a private network interface for connecting to a private data network (figure 3 reference 301); and a sub-endpoint for said tunnel having a network address in an address space of said private data network (router 204 is the sub-end point of the tunnel with an address in the address space of the data network) (column 3 lines 42-45).

Art Unit: 2616

3. Claims 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Garrett et al. (US Pub. 2002/0038419 A1) (hereinafter Garrett).

With respects to claims 10 and 11, Garrett discloses a method of receiving a packet, said packet having public source and destination addresses and private source and destination addresses (figure 4), said method comprising: receiving said packet from a node in a carrier data network; forwarding said packet to a first tunnel sub-endpoint having said public destination address; at said first tunnel sub-endpoint, removing said public source and destination addresses from said packet; forwarding said packet to a second tunnel sub-endpoint; and at said second tunnel sub-endpoint, forwarding said packet to a device having said private destination address (figures 6 & 7, paragraphs 17 and 19).

***Allowable Subject Matter***

4. Claims 1-6, 8, and 9 are allowed.

***Response to Arguments***

5. Applicant's arguments filed 04 May 2006 have been fully considered but they are not persuasive.

**Rejection Under 35 USC 102**

On page 7 of the remarks, regarding claim 7, the Applicant argues Yamano does not disclose two sub-endpoints. The Examiner respectfully disagrees. Claim 7 does not recite two, distinct sub-endpoints.

Art Unit: 2616

On page 7 of the remarks, regarding claims 10 and 11, the Applicant argues Garrett does not disclose two sub-endpoints. The Examiner respectfully disagrees. Garrett discloses receiving a packet with a destination address at the router (first end-point) and de-encapsulates the packets and then forwards the packet to the original destination address (second end-point) field after decapsulating the packet. Therefore, Garrett discloses two sub-endpoints.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Mills whose telephone number is 571-272-3094. The examiner can normally be reached on 8:00 AM to 4:30 PM.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Donald L Mills

*DLM*

August 18, 2006

*Seema S. Rao*  
SEEMA S. RAO 8/21/06  
SUPERVISORY PATENT EXAMINER  
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